

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
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IN THE MATTER OF THE PETITION OF )  
EXCEL TELECOMMUNICATIONS, INC. )  
FOR AN EXPANSION OF ITS CERTIFICATE )  
OF TERRITORIAL AUTHORITY TO )  
PROVIDE FACILITIES-BASED COMPETI- )  
TIVE LOCAL EXCHANGE TELECOMMUNI- )  
CATIONS SERVICES, INCLUDING CALLER )  
ID SERVICES, AND SWITCHED AND )  
SPECIAL ACCESS SERVICES THROUGH- )  
OUT THE STATE OF INDIANA, AND FOR )  
ORDER BY THE INDIANA UTILITY )  
REGULATORY COMMISSION DECLINING )  
TO EXERCISE ITS JURISDICTION IN )  
WHOLE OR IN PART TO THE FULLEST )  
EXTENT ALLOWED BY LAW, PURSUANT )  
TO IND. CODE §8-1-2.6 )

FILED

FEB 18 2003

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42165

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") makes the following entry in this Cause:

On February 13, 2003, an Attorneys' Conference was conducted in this Cause. In addition to the undersigned Administrative Law Judge acting as Settlement Judge in this Cause, counsel for Excel Telecommunications, Inc. ("Petitioner") and the Indiana Office of Utility Consumer Counselor ("Public") were present at and participated in the Attorneys' Conference. The purpose of the Attorneys' Conference was to discuss the possibility of a settlement between the parties that would resolve the issues raised in Petitioner's *Petition for Rehearing, Reconsideration, and Modification of December 26, 2002 Order*. ("Petition for Rehearing"). The Petition for Rehearing is currently pending before the Commission.


At the conclusion of the Attorneys' Conference the parties expressed a desire to draft a written settlement agreement to be submitted to the Commission for its consideration as a resolution to the Petition for Rehearing.

As a result of these ongoing settlement discussions, the time for responding to the Petition for Rehearing, as prescribed in 170 IAC 1-1.1-22(e)(2), is stayed. In addition, these settlement discussions are addressing the Petition for Rehearing and, therefore, pursuant to 170 IAC 1-1.1-22(e)(5), the absence of a ruling on the Petition for Rehearing

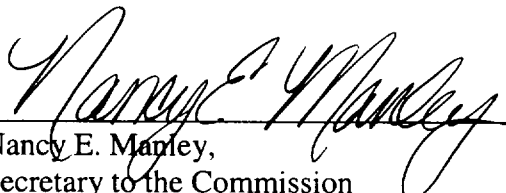
within sixty (60) days following its filing will not be deemed a denial of the Petition for Rehearing.

On or before March 17, 2003, absent a settlement agreement having been submitted to the Commission, the parties, either jointly or separately, should submit a status report to the Commission that discusses the progress of a settlement.

**IT IS SO ORDERED.**

  
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William G. Divine,  
Administrative Law Judge

Date: 2/18/03

  
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Nancy E. Manley,  
Secretary to the Commission